

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Thomas A. Harris, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Anthony Lauria, Senior Deputy Clerk.

F044975 Terhune v. Vaughn

Cause called and argued by Stephen A. Jennings, Esq., counsel for appellant C.A. Terhune and by Robert D. Pellinen, Esq., counsel for respondent Yvonne Villanueva. Karen Brandt, Esq., counsel for respondent Walter Vaughn waived oral argument.

Cause ordered submitted.

F046137 In re Darren R. et al., Minors

Cause called and argued by Catherine Campbell, Esq., counsel for appellant Shirley E. and by Bryan Walters, Esq., Deputy County Counsel, counsel for respondent.

Cause ordered submitted.

Court recessed until Thursday, February 10, 2005 at 1:30 P.M.

F045780 Board of Retirement of The Kern County Employees' Retirement Association et al. v. Bellino

The judgment is reversed. Costs on appeal are awarded to appellants. Vartabedian, Acting P.J.

We concur: Cornell, J.; Gomes, J.

[CERTIFIED FOR PUBLICATION]

F046323 In re Ezekiel H. et al., Minors

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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- F046323** **In re Ezekiel H. et al., Minors**
The order terminating parental rights is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F046169** **In re Anthony J., et al., Minors**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F046169** **In re Anthony J. et al., Minors**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F044603** **People v. Seward**
The judgment is affirmed. Vartabedian, Acting P.J.
We concur: Cornell, J.; Gomes, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F045755** **In re Victor J., a minor**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F045755 In re Victor J., a Minor

The juvenile court is directed to strike the \$20 security fee, to prepare a new minute order reflecting this change, and to forward it to the appropriate authorities. The juvenile court's judgment is otherwise affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044592 People v. Stankewitz

The fine-plus-penalties assessment of \$1,228.50 is vacated. The court is directed to impose a \$1,053 assessment in its place and issue a corrected abstract of judgment reflecting the corrected amount and corrected statutory citations as set forth in the preceding section. The judgment is affirmed in all other respects. Wiseman, J.

We concur: Harris, Acting P.J.; Levy, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

F047229 Feuerstein v. Painter

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F045104 People v. Toralba

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F044642 People v. Maldonado

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

IN THE

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F045104 People v. Toralba

The judgment is affirmed. Gomes, J.

We concur: Buckley, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045343 People v. James

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F045343 People v. James

The court's order denying James's Marsden motion is affirmed. The matter is remanded to the trial court to prepare a corrected abstract of judgment. James has no right to be present at proceedings on remand that only modify the judgment or amend the abstract of judgment. Gomes, J.

We concur: Buckley, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045946 People v. Hutchison

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F045946 People v. Hutchison

The judgment and sentence are affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043786 People v. Solorzano

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

IN THE

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IN AND FOR THE

Fifth Appellate District

F045187 In re Hugo A., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F045187 In re Hugo A., a Minor

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F046932 Michael T. v. Superior Court of Stanislaus County; Stanislaus County
Community Services Agency**

Pursuant to the terms of this court's order of January 31, 2005, and the failure of any party to request oral argument, the oral argument date of February 17, 2005, is vacated.

This matter is deemed submitted on the date of this order.

F044151 People v. Forest

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.